

Gold King Mine Release Incident

Call in Number: 1-844-607-9700

RECORDED MESSAGE

In English, Spanish: Hello

In English: Welcome to the Environmental Protection Agency's Gold King Mine Response Help Line. Please hold for an operator who can assist you.

In Spanish: For Spanish, press 8

[Remainder in English]

If you are calling about water quality and testing in your area, drinking water, or agricultural water or resources, you can find information on www2.epa.gov/goldkingmine. If you are calling about rafting on the rivers, please contact your rafting company. If you have suggestions on how to clean the water or would like to provide services, please visit <http://go.usa.gov/3HV3m> and provide your information.

Good Morning/Afternoon/Evening. You've reached the Environmental Protection Agency's Gold King Mine Response Help Line.

Q. May I have your name? How do I spell your last name?

Q. Where are you located and what state or tribe are you calling regarding?

Q. What is the nature of your call?

- Claims
- Potable Water
- Livestock/Other Water
- Ditch Flushing
- Well Testing
- Volunteering
- Regional Health Contacts
- General Information
- Press
- Other

CLAIMS

Tribal Members: Refer to EPA R9 staff

All other callers:

A claims process exists for compensating citizens who suffer personal injury or property damage caused by U.S. government actions. The process is available in the EPA's regulations at 40 CFR Part 10, and includes guidance on documentation that may be required to support claims for loss of employment and loss of income, among other claims.

Claims for monetary compensation may be filed by submitting a Standard Form 95 specifying the nature of the loss suffered and the EPA actions, if known, causing the loss or damage to property, to either of the following contacts:

Richard Feldman
Claims Officer
U.S. EPA Office of General Counsel
1200 Pennsylvania Avenue, NW (MC 2399A)
Washington, D.C. 20460

Michael Nelson
U.S. EPA Region 8 Office of Regional Counsel
1595 Wynkoop Street (MC 8RC)
Denver, CO 80202

Alternatively, claimants may submit signed electronic versions of Standard Form 95 to the EPA for the Gold King Mine Release via e-mail at R8_GKM_Claims@epa.gov.

The fillable PDF version of Standard Form 95 is available in the documents section of this website or via the link below:

<http://www2.epa.gov/goldkingmine/claims-process-and-standard-form-95-damage-injury-or-death-result-gold-king-mine>

Standard Form 95 is used to present claims against the United States under the Federal Tort Claims Act for property damage, personal injury, or death allegedly caused by a federal employee's negligence or wrongful act or omission occurring within the scope of the employee's federal employment.

Standard Form 95 is not required to present a claim under the Federal Tort Claims Act, but it is a convenient format for supplying the information necessary to bring an Federal Tort Claims Act claim. Please note that a completed form must state a claim for money damages in a "sum certain" amount (that is, a specific amount) claimed for personal injury, death, or injury to or loss of property. In addition, if a sum certain is not specified in Standard Form 95 block 12d, or in accompanying information, a submission cannot be considered a valid presentation of a claim.

Although the EPA's regulations state that the EPA has 6 months to resolve a claim, the Agency will make every effort to respond to Gold King Mine release claims as soon as possible. Claims must be presented to the EPA within two years after the claim accrues.

Do I have to use the Standard Form 95?

You are not required to use the Standard Form 95 to present a claim under the Federal Tort Claims Act, but it is a convenient format to ensure you supply all the information necessary to submit an Federal

Tort Claims Act claim.

How do I submit a claim without using a Standard Form 95? What information should be in the claim?

You should submit a document that describes as completely as possible the facts and circumstances for the claim and describe the losses suffered that were allegedly caused by the incident. The document should set forth an amount claimed for personal injury and/or property damages, including any amount for economic related losses. The document must state a claim for money damages in a “sum certain” amount (that is, a specific amount) claimed for personal injury, death, or injury to or loss of property.

Can I amend a claim that I submit if additional information becomes available after the initial submission?

Yes. You may amend your claim at any time prior to reaching a settlement with EPA, or before you file a lawsuit under the Federal Tort Claims Act. The Claims Officer may request additional information as well.

How much time do I have to file a claim?

You have **two years** from the date of the event to file a claim with EPA under the Federal Tort Claims Act for injury or damage.

Standard Form 95 refers to personal injury and property damage, what if I suffered economic damages caused by the incident?

A loss of income may be claimed as a damage for this incident

Can a claim be made for impacts to agriculture and agricultural yields?

Yes. A claim can be submitted for any type of claim—damage to property, personal injury, claimed economic losses---allegedly caused by the negligence or wrongful act. Please note that a completed form must state a claim for money damages in a “sum certain” amount (that is, a specific amount) claimed for personal injury, death, or injury to or loss of property.”

The Standard Form doesn’t seem to have a place to list these claims for economic losses? What should I do?

Block 8 of the Standard Form 95 should be used to describe the facts and circumstances for the claim and in that block describe the losses you suffered from the incident. Additional pages may be attached to the SF-95 if needed. In addition, you should attach any documentation to substantiate amounts of your claims to the Standard Form 95. You may submit amendments to the claim based on additional information at a later time. The Claims Officer may request additional information as well.

As an Employer, can I submit claims on behalf of my employees?

It is preferable that employees submit their own claims. An employee may also chose a representative who may submit a claim on his/her behalf. If a representative is chosen by the employee, the representative, in submitting the claim, must indicate the named employee has authorized the representative to submit the claim on his/her behalf. That representative may be an employee’s employer.

Does the following language in the Federal Tort Claims Act claim Standard Form 95 (also identified as – OMB No.1105) limit or waive future rights of the claimants? The language of concern appears above the signature block and states: *I certify that the amount of the claim covers only damages and injury caused by the incident above and agree to accept said amount in full satisfaction and final settlement of this claim.*

That language is not intended to waive any of the claimant's rights in connection with filing a claim and is intended to refer to a final payment to settle the claim. The EPA Federal Tort Claims Act provides that a person may amend their claim form at any time prior to reaching a settlement with EPA, or before the person files a lawsuit under the Federal Tort Claims Act. Additionally, a person claiming an injury or damage has **two years** from the date of the event to file a claim with EPA under the Federal Tort Claims Act.

Does the Federal Tort Claims Act provide for the payment of my attorney's fees?

Attorney's fees are not paid as part of the settlement of a Federal Tort Claims Act claim. Under the Federal Tort Claims Act, attorneys may not collect more than 20% of the amount of an administrative settlement (a settlement with EPA) paid to a claimant, or not more than 25% of a court judgment or settlement resulting from a Federal Tort Claims Act lawsuit.

After I reach a final settlement with EPA, can I file additional claims related to the Gold King Mine accident?

If you discover after submitting your claim that you have suffered more damages, you must amend your original claim in order to have EPA consider the new damages. If you accept a final settlement from EPA for your claim related to the Gold King Mine accident, you may not pursue additional claims originating from the Gold King Mine accident.

POTABLE WATER

Colorado: Please call La Plata County at 970-385-8700

Southern Ute: Please call the Southern Ute hotline at 970-563-5025

AZ/CA/Lake Powell: [Refer to R9 through SharePoint site]

Navajo: Please call the Navajo Tribal Utility Authority at 928-729-6275

New Mexico: [Refer to R6 through SharePoint site]

LIVESTOCK/OTHER WATER

Colorado: Please call La Plata County at 970-385-8700

Southern Ute: Please call the Southern Ute hotline at 970-563-5025

AZ/CA/Lake Powell: [Refer to R9 through SharePoint site]

Navajo:

For where current locations are: [Refer to R9 through SharePoint call log]

For requests for new locations: contact their Chapter officials (Farm Board and Grazing officials). Those officials will put in the request to Navajo Nation.

New Mexico: [Refer to R6 through SharePoint site]

DITCH FLUSHING

Colorado: Please call La Plata County at 970-385-8700 or refer to <http://www.co.laplata.co.us/emergency>

Southern Ute: Please call the Southern Ute hotline at 970-563-5025

AZ/CA/Lake Powell: [Refer to R9 through SharePoint site]

Navajo: [Refer to R9 through SharePoint site]

New Mexico: [Refer to R6 through SharePoint site]

WELL TESTING

Well Testing

Please collect the following information from individuals who are calling regarding well testing:

- date and time of call
- name
- phone number
- email address (optional, but please request it)
- physical address - street address, city, zip code
- May we collect a sample from your well?
- Is your mailing address the same as your physical address?
- If not, collect mailing name, street address, city, zip code
- Ask if there is any other relevant information, including whether there are access issues to the well
- EPA Property ID (or case number), if known (starts with GKMTW)

After collecting this information, please send all the well testing information to:

Zachary.Collins@respec.com. If there are multiple well testing calls in a single day, you may send the information for all the calls at the end of the day.

This process is effective through September 7, 2015.

VOLUNTEERING

Colorado:

- Animas-La Plata Water Conservancy District (970) 247-2659
- Animas Conservancy (970) 259-0522
- Animas River Keeper (970) 259-2510
- La Plata Open Space Conservancy (970) 259-3415
- Mountain Studies Institute (970) 247-7071
- The San Juan Citizens Alliance (970) 259-3583
- The San Juan Mountains Association (970) 385-1210
- Sierra Club, Weminuche Group (970) 247-8811

Southern Ute: See Colorado

AZ/CA/Lake Powell: [Refer to R9 through SharePoint site]

Navajo: Please call Navajo Nation at 505-371-8415 or 505-371-8408

New Mexico: [Refer to R6 through SharePoint site]

REGIONAL HEALTH CONTACTS

Colorado:

- [San Juan Basin Health Department](#)
- Rocky Mountain Poison and Drug Center: 1-800-222-1222
- [Colorado Department of Public Health & Environment](#)

Southern Ute: See Colorado

AZ/CA/Lake Powell: [Refer to R9 through SharePoint site]

Navajo: Please call your local Indian Health Service (IHS) provider or the Navajo Department of Health, 928-871-6350

New Mexico: [Refer to R6 through SharePoint site]

FREQUENT QUESTIONS RELATED TO KING GOLD MINE RESPONSE FROM EPA'S WEBSITE

General Incident

How did this happen?

On August 5, 2015, EPA was conducting an investigation of the Gold King Mine near Silverton, Colorado, to:

- assess the on-going water releases from the mine,
- treat mine water, and
- assess the feasibility of further mine remediation.

While excavating above the old adit (a mine tunnel), pressurized water began leaking above the mine tunnel, spilling about three million gallons of water stored behind the collapsed material into Cement Creek, a tributary of the Animas River.

What is the total volume discharged on August 5?

The spill volume associated with the release on August 5 is calculated to be approximately three million gallons based on flow rates. Current discharge rates from the mine are averaging around 600 gallons per minute. For context, there are multiple mines along the upper Animas, and historically there has been considerable discharge at each mine site. The Red and Bonita Mine, just below Gold King Mine, is currently discharging about 300 gallons per minute.

Where is the leading edge of the plume?

There is no longer a visible leading edge of the Gold King Mine plume. We estimate that the water associated with the release reached Lake Powell sometime on Wednesday afternoon August 12. Lake Powell is a large body of water, and we expect no significant impacts to the lake, the Colorado River or any water bodies downstream.

What is EPA doing to respond?

EPA has deployed a large response team to Durango and Silverton, Colorado and to several locations in New Mexico, Utah and the Navajo Reservation to coordinate with affected states, tribes and communities on various response activities and to address impacts associated with the Gold King Mine wastewater release.

EPA's primary objectives include working with federal, state, tribal and local authorities to make sure that people continue to have access to safe drinking water, ensure appropriate precautions are in place for recreational use and contact with river water, evaluate impacts to aquatic life and fish populations, and stop the flow of contaminated water into the watershed at the Gold King Mine site.

What work is happening at the site right now?

(Please refer to Gold King Mine website for most recent information:

[http://www2.epa.gov/goldkingmine/press-releases-and-updates-gold-king-mine-response\)](http://www2.epa.gov/goldkingmine/press-releases-and-updates-gold-king-mine-response)

Is EPA currently conducting sediment sampling? If so, when does the agency expect to make those results available?

We are conducting sediment testing in Colorado, New Mexico, Navajo Nation, and Southern Ute Nation. New results are posted on EPA's website on an ongoing basis.

Are you considering making this a Superfund site?

The Gold King Mine site has never been proposed to be a Superfund site, or being listed on the National Priority List (NPL), commonly known as Superfund. At this time we haven't received any requests from the governor to propose listing this site on the NPL, which we look for as part of the agency's policy and practice.

What is the process EPA goes through to release water quality data?

EPA is working around the clock to collect and analyze water quality information in order to develop a comprehensive picture of water quality at various locations over time. This is a massive task and it is critical to make sure we are doing all we can to develop the sound science that will support recommendations and decisions that protect the public.

This is a time-consuming process. We are looking to develop and evaluate a full picture of the release event and water quality conditions before, during and following the movement of the plume downstream. EPA is sampling water at several locations in the Animas and San Juan Rivers for a suite of metals and contaminants. The lab work and quality assurance process for generating these data is extensive and designed to make sure we can have confidence in our results. This effort is generating thousands of data points, which must be analyzed by our scientists, placed in the context of other data collected, assessed for trends.

EPA also must evaluate the full set of data collected through the past few days and develop an understanding of the concentrations of metals that were deposited in sediments on the river bed and banks. This analysis will ensure that any recommendations about reopening drinking water intakes and reopening the river for recreational use are based on the science and the process we

use to assess risk and ensure public health.

What do the data indicate? What does this mean for the long-term?

EPA is collecting and assessing water quality from the Animas and San Juan Rivers daily. The La Plata County Sheriff lifted the recreation use ban on the Animas River on Friday, August 14. The water quality data we have analyzed thus far continues to be encouraging and point to minimal short-term risks associated with the plume and a return to pre-event baseline conditions in the Animas River in Colorado. In the San Juan River, data indicate the plume dissipated as it traveled downstream, and samples show a smaller rise in acidity and metals levels in the river compared to those in the Animas River. Further downstream, data suggest slight impacts as the plume dissipated and no leading edge was visible. While we are taking samples in Lake Powell near the San Juan River inflow, we expect no adverse impacts to the lake or other locations downstream from the lake.

While this information is encouraging, we need to thoroughly evaluate the full set of data collected over the past few days and develop an understanding of metals levels in water and in sediment deposited in the river before making recommendations. EPA is working with our partners to review all data collected to develop a comprehensive picture of water quality conditions in the river and in the plume itself. This will ensure our decisions are based on sound science.

Our longer-term concern is the effect on the entire watershed of metals deposited in sediments and their release during high-water events and from recreational use over time. These sediments may pose some risk, especially to aquatic life and fish. Because we have been working to assess impacts to water quality in the Animas River for several years, we have good information and data on background conditions in the river. EPA will use this information to assess long-term needs and evaluate our progress in restoring the waters impacted by the Gold King Mine release.

From a scientific perspective, what contaminants have been found and at what concentrations?

Data are posted at <http://www2.epa.gov/goldkingmine> as they become available.

Impacts on Human Health and the Environment

What are the health risks?

Based on the data we have seen so far, EPA and the Agency for Toxic Substances and Disease Registry (ATSDR) do not anticipate adverse health effects from exposure to the metals detected in the river water samples from skin contact or incidental (unintentional) ingestion. Similarly, the risk of adverse effects to livestock that may have been exposed to metals detected in river water samples from ingestion or skin contact is low. We continue to evaluate water quality at locations impacted by the release.

Although the pH levels in the Animas River between Cement Creek and Durango have returned to baseline levels, washing with soap and water after contact with untreated river water is always sound public health practice. This will minimize exposure to any metals that may be present. We are still reviewing data on pH levels in the San Juan River and will release those as soon as they have been validated.

What is the impact on agriculture?

We are certain that crops are safe for consumption. When the plume came through, irrigation ditches that impacted crops and livestock were shut down. Water quality data we have seen indicate no harmful effects on any agricultural products. Ground water and tap water have both been tested and have returned to pre-event conditions.

How do I know if my drinking water is safe?

In New Mexico: On August 14, 2015 New Mexico Environment Department lifted the ban on the use of private domestic water wells. On August 15, 2015 New Mexico Environment Department lifted the ban on San Juan County's drinking water system supplied by the Animas and San Juan Rivers.

In Colorado: On August 14, 2015 the city of Durango resumed pumping raw water for drinking water treatment and distribution.

What about wildlife and fish?

The assessment of impacts to wildlife and fish populations in both the Animas and San Juan Rivers is ongoing but information gathered to date is promising. EPA is working with the State of Colorado Division of Parks and Wildlife, the New Mexico Department of Game Fish, the Navajo Nation and the U.S. Fish and Wildlife Service to investigate reports of impacts to wildlife.

- There were no fish kills along the Animas River during the plume event. Biologists walked and paddled the river looking for dead fish. There was also no evidence of scavenging by birds or other mammals.
- No effects were seen on terrestrial animals – ducks, mammals, etc. Ducks have been seen back on the river since Monday, Aug. 10.
- Colorado Parks and Wildlife biologists placed fingerling rainbow trout in the Animas River in Durango the afternoon of Aug. 6 before the mine-spill plume reached the city. 108 fish were placed at three separate locations in cages. Young fish known as fingerlings were used because they are most sensitive to environmental changes. One fish died, but not due to water quality. The fish remained healthy throughout the event and afterwards. They were removed from the river on Aug. 11.
- After being removed from the river the fish were frozen and taken to Denver, where they'll be tested for toxicity by the Colorado Department of Health and Environment. Scientists will be looking for deposits of metals in tissue and organs. Those results will not be known for at least two weeks.
- During the week of Aug. 24, Colorado Parks and Wildlife biologists will fish the Animas River in Durango to check on populations of wild fish – sculpin, suckers, rainbow trout and brown trout. Some of those fish will also be sent to Denver for testing.
- The Animas River has been affected by acid mine run-off for decades and that has been detrimental to fish populations for many years. Colorado Parks and Wildlife has seen a noticeable decline in the number of trout in the river for the last 10 years. There are very few fish found from Silverton to Baker's Bridge. The bridge is located about 10 miles north

of Durango.

While this information is encouraging in terms of short-term impacts to fish, we will be evaluating long-term impacts associated with exposure to the plume and the impacts of deposited sediments over time. EPA will be working with the States of Colorado, New Mexico and the Navajo Nation to evaluate these and other ecological impacts as we move forward.

Accountability

What is EPA doing to make sure this doesn't happen again?

EPA has worked successfully to address environmental concerns at hundreds of abandoned mine sites across the West. EPA will thoroughly investigate this incident, and it is committed to applying all lessons learned to its work as it moves forward.

While EPA continues to investigate the root causes of the release of mining waste at the Gold King Mine, all EPA regional offices will immediately cease any field investigation work at mines, including tailings facilities. EPA is in the process of initiating an independent assessment by a sister federal agency or another external entity to examine the factors that led to the Gold King Mine incident. Based on the outcome from that assessment, EPA will determine what actions may be necessary to avoid similar incidents at other sites.

While EPA stops work on existing field investigations and assessments at these mining sites, EPA also is instructing its regional offices to identify existing sites with similarities to the Gold King Mine site, to identify any potential immediate threats and to consider appropriate response actions.

Who, specifically, is responsible for the release?

A Colorado-based EPA team was working at the site with a response contractor and the State of Colorado's Division of Reclamation, Mining and Safety. For EPA Administrator Gina McCarthy's remarks on agency responsibility, go to <http://www2.epa.gov/goldkingmine>.

Will anyone be fired as a result of this incident? If so, who?

EPA and external entities will be thoroughly investigating the full facts regarding this incident and the response, and the agency will respond based on that information.

CONTRACTORS/VENDORS INTERESTED IN PROVIDING SERVICES:

Please refer to <http://www2.epa.gov/goldkingmine/vendor-list>:

EPA has developed a central repository for EPA-wide contracting information relating to the Gold King Mine incident. This central repository includes information that will be listed for viewing by agents acting on behalf of the government as well as contractors interested in supporting Gold King Mine incident activities.

Note: Inclusion on the list does not constitute endorsement of any listed vendor. EPA offers no guarantee of any kind as to the vendor's qualifications, responsibility, socio-economic status, technical or past performance, nor the validity of any technical claims. EPA has not evaluated, prequalified or certified these vendors in any way, for any Gold King Mine incident procurement.

Vendors or contractors interested in doing business related to the Gold King Mine incident should send an email containing ALL the following information:

1. Contractor Name
2. Contractor Address
3. Contractor Point of Contact
4. Point of Contact Phone Number
5. Website Address
6. Type of Product or Service Available
7. Description of Products, Services, Capabilities, NAICS Codes
8. Primary Media or Technical Emphasis
9. Socio-Economic Status

Send the email to Michael Barton at Barton.Michael@epa.gov.

PRESS

Refer press to the press office at 202-564-4355.

OTHER

If the call center staff is unable to answer the questions asked, the caller should be routed based on the location they inquire about as follows:

- Colorado or Utah: EPA Region 8 staff
- Southern Ute Tribe: Southern Ute Tribe Hotline 970-563-5025
- New Mexico: EPA Region 6 staff: Please let Zana Halliday know that a follow-up question requires attention at 800 533-3508 or halliday.zana@epa.gov.
- Arizona, California, Navajo, Lake Powell: EPA Region 9 Staff: Please let Clancy Tenley (tenley.clancy@epa.gov), Dan Meer (meer.daniel@epa.gov) and David Yogi (yogi.david@epa.gov) know that a follow-up question requires attention.
- All other areas: EPA HQ EOC 202-564-3850